

Janet Napolitano
Governor

Mark Winkleman
State Land
Commissioner

Arizona
State Land Department



1616 West Adams Street Phoenix, AZ 85007 www.land.state.az.us

January 16, 2007

German Yusufov, Deputy County Attorney
Pima County Attorney Civil Division
32 North Stone, Suite #2100
Tucson, AZ 85701-1412

Dear Mr. Yusufov,

The Land Department has received Pima County's Notice of Appeal/Request for Hearing dated December 21, 2006, in reference to Lease No.'s 11-35596, 11-35597, 11-79816 and 11-79817 and Commissioner Order No. 134-2006/2007. The Notice of Appeal indicates that it is filed pursuant to A.R.S. §§ 32-133 (sic) and 41-1092.03. The Commissioner's Order is not subject to appeal by the County pursuant to the cited statutes.

Pima County is not a "person in interest of record" within the meaning of A.R.S. § 37-133 with respect to the Commissioner's Decision; nor is Pima County entitled to an administrative appeal from the Commissioner's Decision pursuant to A.R.S. § 41-1092.03. The Commissioner's Decision is not an appealable agency action within the meaning of Title 41. Additionally, Pima County is not "a party whose rights, duties or privileges were determined by the Commissioner's Order" and Pima County has no "legal right provided by law to comment on the agency action." Under the circumstances and pursuant to A.A.C. R12-5-109, the Department rejects the administrative appeal and the request for hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Winkleman", is written over a light blue horizontal line.

MARK WINKLEMAN
State Land Commissioner

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Copy of the foregoing mailed/
delivered this 16th day of
January, 2007, to:

Certified No. 91 7108 2133 3931 8305 9778

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DEPUTY COUNTY ATTORNEY
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32 NORTH STONE SUITE 2100
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cc: Attorney General's Office/Natural Resources Section
Mike Rice